

Amendments to the Drawings

Applicants enclose herewith ten sheets of replacement formal drawings. In the replacement sheets, Figure 1 has been amended to include reference number 100.

Attachment: Ten Replacement Formal Drawing Sheets

REMARKS

Applicants have carefully reviewed the Office Action mailed on December 8, 2009. Applicants respectfully traverse (and do not concede) all objections, rejections, adverse statements, and adverse assertions made by the Examiner. With this amendment, claims 88, 101, 102, and 106 are amended. Ten replacement formal drawing sheets are also provided. No new matter is added. Claims 88-106 are presented for examination.

Allowable Subject Matter

Claims 88, 99, and 102 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. §112, second paragraph. As indicated below, claim 88 is amended to overcome the rejection under 35 U.S.C. §112. Similarly, the rejection of claim 99 is also believed to be overcome by the amendment to claim 101 described below. Likewise, the rejection of claim 102 is also believed to be overcome by the amendment described below. Consequently, Applicants respectfully submit that claims 88, 99, and 102 are believed to be in condition for allowance.

Claims 101 and 106 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. §112, second paragraph. As indicated below, claims 101 and 106 are amended to overcome the rejection under 35 U.S.C. §112. Consequently, Applicants respectfully submit that these claims are believed to be in condition for allowance.

Claims 100 and 103-105 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. For the reasons set forth below, Applicants respectfully submit that base claims 99 and 102, from which claims 100 and 103-105, respectively, depend from, are believed to be in condition for allowance. Consequently, Applicants respectfully submit that claims 100 and 103-105 are also believed to be in condition for allowance.

Claim Objections

Claims 101 and 106 are objected to under 37 C.F.R. §1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicants note that claim 101 depends from claim 99 and that claim 106 depends from claim 102.

Claim 99 recites that the guidewire is free of another coil between the core wire and the tubular member other than the radiopaque coil. Claim 101 further limits claim 99 by specifying that a space is defined within the tubular member between the proximal end of the coil and the proximal end of the tubular member, and wherein the space is free of any other structures of the guidewire.

Similarly, claim 102 recites that the exterior surface of the core wire adjacent the proximal end of the tubular member is free of a coil whereas claim 106 recites that a space is defined within the tubular member between the proximal end of the edge-wound coil and the proximal end of the tubular member, and wherein the space is free of any other structures of the guidewire.

Because claims 101 and 106 recite that the space is free of any other structures of the guidewire, this further limits claims 99 and 102, respectively. For example, as indicated above claim 99 recites that the guidewire is free of a coil and claim 102 recites that the exterior surface of the core wire adjacent the proximal end of the tubular member is free of a coil. Based on these differences, Applicants respectfully submit that claims 101 and 106 further limit the subject matter of claims 99 and 102, respectively. Applicants respectfully submit that these remarks overcome the objection.

Claim 102 is objected to because of the following informalities: In lines 3-4, the claim states that the tubular member has a proximal end, while in lines 6-7, the claim has been amended to state the tubular member has a proximal end. The Office Action indicated that the claim should be amended to cancel the added recitation of the same limitation. Claim 102 is amended as suggested. Applicants respectfully submit that this amendment overcomes the rejection.

Drawings

The drawings are objected to as failing to comply with 37 C.F.R. §1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: guidewire (100) is not shown in Figure 1, as disclosed in the specification. Applicants enclose herewith replacement formal drawings (including 10 sheets of replacement formal drawings). In the replacement sheets, Figure 1 is amended to include reference number 100. Applicants respectfully submit that replacement formal drawings overcome the objection.

Claim Rejections Under 35 U.S.C. §112

Claims 88-98 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Office Action indicated that:

[c]laim 88 has been amended to state the material “at least partially fills” as least some of the slots. The current specification in Paragraph 0072 in the PG Publication states: “material 261 may fill or partially fill at least some of the slots 135”. The current specification fails to support “at least” partially filling some of the slots.

While not conceding the merits of the rejection, Applicants have amended claim 88 to recite that the material fills or partially fills at least some of the slots, as recited in the specification (e.g., paragraph [0072] of the PG publication). Applicants respectfully submit that this amendment overcome the rejection and places claim 88, as well as claims 89-98 depending therefrom, in condition for allowance.

Claims 99, 101, 102, and 106 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the Office Action indicated that the term “substantially” in claims 101 and 106 is a relative term which renders these claims indefinite. While not conceding the merits of the rejection, the word “substantially” is removed from claims 101 and 106. Applicants respectfully submit that these amendments overcome the rejection.

Conclusion

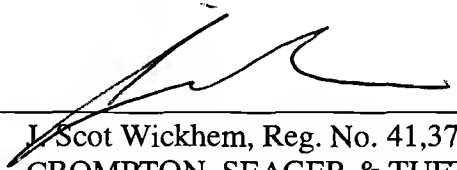
Further examination and withdrawal of the rejections is respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is also respectfully requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

CLARK C. DAVIS et al.

By their Attorney,

Date: 3-1-2010



J. Scot Wickhem, Reg. No. 41,376
CROMPTON, SEAGER & TUFTE, LLC
1221 Nicollet Avenue, Suite 800
Minneapolis, Minnesota 55403-2420
Telephone: (612) 677-9050
Facsimile: (612) 359-9349

Attachment: Ten Replacement Formal Drawing Sheets